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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,234	07/21/2003	Stephen Ritland	4510-10	7545
22442	7590	03/06/2006	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			HILL, GENEVIEVE A L	
			ART UNIT	PAPER NUMBER
			3738	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-20, drawn to device for stabilizing an image tracker, classified in class 606, subclass 97.
- II. Claims 21-25, drawn to method for attaching an image tracker, classified in class 606, subclass 97.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process as claimed can be practiced by another and materially different apparatus such as an external fixator ring.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

If Group I is elected above, an additional species requirement is necessary. This application contains claims directed to the following patentably distinct species:

A. Mounting Base Configuration

Species AI: Embodiment in Figure 1

Species AII: Embodiment in Figure 5

Species AIII: Embodiment in Figure 6

Species AIV: Embodiment in Figure 7

Species AV: Embodiment in Figure 8A

Species AVI: Embodiment in Figure 8B

B. Bottom Shape of Mounting Base

Species BI: Embodiment in Figure 13A

Species BII: Embodiment in Figure 13B

Species BIII: Embodiment in Figure 13C

Species BIV: Embodiment in Figure 13D

Species BV: Embodiment in Figure 13E

Species BVI: Embodiment in Figure 13F

The species are independent or distinct because the embodiments vary in structure, functions, and capabilities.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from each of the two groupings for prosecution on the merits to which the claims shall

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be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Genevieve A-L. Hill whose telephone number is (571) 272-7226. The examiner can normally be reached on Monday through Friday from 9:00am to 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAH


David H. Willse
Primary Examiner